

REMARKS/ ARGUMENTS

Claims 1-77 were pending in this application prior to this response. In this response, claims 32-37 and 50 and 51 have been cancelled, claims 1, 2, 6, 7, 12, 13, 21, 30, 38-40, 42, 45-49, 52 – 55, 57, 58 and 61 have been amended, and new claim 78 has been added. Thus, claims 1-31, 38-49, 52-78 are represented for further consideration.

In the non-final Office Action dated march 17, 2008, Claims 1-5, 7-11, 34, 37, 39, 40 and 70 were rejected as anticipated by EP00046981A1 to Everett, and claims 6, 12-15, 19-33, 38,41-52, 56-69 and 71-77 were rejected as obvious over Everett in view of US 5,873,360 to Davies. The examiner indicated that claims 15, 16-18, 53 and 54 were objected to only to they extent they depended from rejected claims.

While accepting that claims 15, 16-18, 53 and 54 are drawn to allowable subject matter, applicant's respectfully traverse the findings of the examiner that the indicated claims are anticipated and or obvious.

Claim 1, as amended, recites:

A medicament dispenser comprising:

plural elongate form medicament carriers, each carrier having multiple distinct medicament dose portions carried thereby, the medicament dose portions of each carrier containing a medicament active, or a mixture of medicament actives, which is different from that in the medicament dose portions of the other carrier(s),

said dispenser having a dispensing mechanism which is adapted to operate, upon each actuation of the dispenser, to dispense a single distinct medicament dose portion carried by each of said plural medicament carriers, said mechanism comprising,

- a) at least one receiving station for receiving each of the plural medicament carriers;*
- b) a release for releasing in combination a distinct medicament dose portion from each of the plural medicament carriers on receipt thereof by said at least one receiving station;*
- c) an outlet, positioned to be in communication with the combination of distinct medicament dose portions releasable by said release and*

through which a user is able to access said combination of distinct medicament dose portions; and
d) *at least one indexer for individually indexing the distinct medicament dose portions of each of the plural medicament carriers.*

Everett discloses a dry powder inhaler having an elongate blister strip 38 which is loaded with a powdered medicament. The second strip 38a that is described in the specification is a refill strip 38a, which apparently contains the same type of medicament as the first strip 38, that is to be used after the contents of the first strip 38 is exhausted. This aspect is described in col. 4, lines 39-41, which states “The compartment 20 houses a fresh medicament strip 38a which can be placed in operating position in the compartment 19 when the strip 38 is used up.”

Everett does not disclose a device wherein “*the medicament dose portions of each carrier containing a medicament active, or a mixture of medicament actives, which is different from that in the medicament dose portions of the other carrier(s),*” Nor does Everett disclose a device wherein “*said dispenser having a dispensing mechanism which is adapted to operate, upon each actuation of the dispenser, to dispense a single distinct medicament dose portion carried by each of said plural medicament carriers.*”

For these reasons, Everett does not disclose every element of independent claim 1. Thus, the 102 rejection of the pending claims based on the Everett is unfounded, and its withdrawal is respectfully requested.

The obviousness rejection based on Everett and Davies cites Davies for its teaching of a peelable blister strip. Davies, being a single strip device, does not provide the elements of the claim 1 that are not taught in Everett. As neither Davies nor Everett describe strips containing different medicaments, not a system for accessing blisters from each of a plural carriers for combined administration, they do not meet the all elements requirement of obviousness. In light of this, a no prima facie case of obviousness has been established by the combination of Everett and Davies. As such, withdrawal of the

obviousness rejection of the claims over Everett in view of Davies is respectfully requested.

CONCLUSION

It is respectfully submitted that the present application is in condition for allowance. An early consideration and Notice of Allowance are earnestly solicited.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge any fees or credit any overpayment, particularly including any fees required under 37 CFR Sect 1.16 or 1.17, and any necessary extension of time fees, to deposit Account No. 07-1392.

Respectfully submitted:

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Date: _____

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By: _____
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